

REMARKS

Applicant respectfully requests the Patent Office to reconsider and allow the present application.

Claims 1-25 stand rejected under either 35 USC 102(e) or 35 USC 103(a) as being unpatentable over Berg either alone or in view of Knight, Kawamura, Ishizaki, Boutaghou, Kahlman, Kamasa, and Osborne, or their combinations. These contentions, however, are respectfully traversed because these references either individually or collectively fail to disclose each feature recited in the pending claims.

In general, the pending Claims 1-25 recite devices and methods that use an optical head in contact with a disk during reading and writing operation. More specifically, independent Claims 1 and 11 recite a load actuator operable to apply a force to cause said optical head to contact the optical disk at a contact location of said optical interfacing surface when reading or writing data. Independent Claim 24 also recites causing a selected protruded location on the curved optical surface to be in direct contact with the optical disk in reading or writing data.

In stark contrast, Berg and other cited references disclose optical disk drives where the optical head is above the optical disk as a "flying" head during reading and writing. The optical head in these references is not in contact with the disk surface

during reading and writing. Hence, the cited references fails to provide support for the rejections under either 35 USC 102(e) or 35 USC 103(a). As a result, Claims 1-25 are distinctly different from and are patentable over the cited references.

The Office Action contends that Berg discloses the contact configuration in Col. 3, lines 29-36 and Col. 6, lines 19-21. This contention appears to be based on an incorrect reading of Berg. In Col. 3, lines 29-36, Berg discloses "the controller operating the control signal to cause the actuator to produce a load force which acts to substantially maintain the head at the minimum glide height above the surface of the recording medium." This feature is explicitly taught throughout the entire specification in Berg. For example, FIGS. 1, 3, 5, 7, 8, and 15 in Berg illustrate this very feature where the head is above the optical medium during reading and writing.

Turning to Col. 6, lines 19-21 in Berg, it states that "[t]he control signal output 114 of controller 111 is applied to actuator 109 which adjusts the load force F_L in response to the signal 114 to correspondingly adjust the flying height." Hence, this part of Berg is consistent with the entire teaching in Berg that the optical head is above the disk surface with a desired flying height.

Clearly, Berg fails to teach the contact configuration as recited in Claims 1-25. Other cited references do not fill this

void left by Berg. Hence, the rejections lack support from the cited references and the rejections must be withdrawn.

The contact configuration of the optical head of this application is based on the recognition that the flying height is difficult to control with desired accuracy. See paragraphs [0017] and [0018] on pages 5-6. In particular, "[t]he near-field configuration devices may be particularly sensitive to variations of this spacing and contamination due to the closeness between the optical interfacing surface of the head and the medium surface." Hence, Applicant invented the contact optical head to obviate the problem because "there is no need for an active servo control for monitoring and controlling the spacing between the optical interfacing surface and the medium surface as used in some flying head systems" (page 6, paragraph [0019]). This problem, however, is not recognized by the cited references. It should not be a surprise that the cited references further fail to provide a solution to the problem.

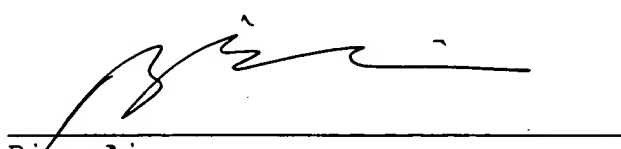
To the contrary of the present invention, the cited references devise various methods to control the flying head in order to maintain the proper flying distance above the disk. The specific teachings in Cols. 3 and 6 in Berg cited by the Office Action clearly indicate such efforts in the cited references. Hence, the cited references teach away the claimed inventions in Claims 1-25.

In view of the above, Claims 1-25 are patentable and are in condition for allowance. A set of formal drawings is also filed herewith to comply with the request by the Examiner and to place the application in condition for allowance.

No fee is due for filing this response. Please apply any applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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